

REMARKS

Applicant respectfully requests reconsideration of the instant application in view of the amendments, herein, and the following remarks:

The following claims are *pending*: 1-22.

The following claims are *independent*: 1, 10, 13, and 20-22.

The following claims have been previously withdrawn: 10-19 and 21.

Please *add* new claim 22 and *amend* claim(s) 1-9 and 20; although the claims have been amended herein to provide clarification, correct typographical inaccuracies and/or informalities, and/or to better track practical/commercial implementations/practices (hereinafter “amendment,” “amendments,” and/or “amended”), Applicant submits that the originally filed claims are patentable and reserves the right to pursue the originally filed claims (as well as any claims dependent therefrom) at a later time and/or in one or more continuation/divisional application(s). Applicant submits that these new claim and claim amendments are supported throughout the originally filed specification and that no new matter has been added by way of these amendments.

Examiner Interview

Applicant thanks the Examiner for taking the time to discuss the pending rejections, pending claims and the cited references on February 22, 2012.

Restriction/Election Requirement

Applicant *again* respectfully traverses the Office Action and submits that there is no undue burden for the Examiner to conduct a substantive search of the claims corresponding to Groups I - III. Applicant submits although Group I (claims 1-9 and 20) is elected for substantive examination, Applicant reserves the right to pursue the non-elected claims and/or subject matter in one or more continuation/divisional applications at a later time.

Claim Rejections - 35 U.S.C. § 101

The Office Action has rejected claims 1-9 and 20 under 35 U.S.C. § 101 as directed to non-statutory subject matter. Applicant respectfully traverses, and submits that there is no test for non-statutory subject matter that subjectively precludes the aforementioned claims. MPEP § 2106, Section IV, states “claims directed to nothing more than abstract ideas (such as mathematical algorithms), natural phenomena, and laws of nature are not eligible for patent protection.” MPEP § 2106 also discusses “[w]hile abstract ideas, natural phenomena, and laws of nature are not eligible for patenting, methods and products employing abstract ideas, natural phenomena, and laws of nature to perform a real-world function may well be.” Applicant submits that the elements recited in the claims are, in fact, directed to statutory subject matter and do not fall within the recognized Judicial Exceptions as merely abstract ideas (such as mathematical algorithms), natural phenomena, and/or laws of nature.

Although Applicant respectfully traverses the rejection and reserves the right to argue patentability of the claims in their original form at a later time, Applicant has amended independent claim(s) 1 and 20. Claim 1 is a "sales management system comprising: a

memory; a processor disposed in communication with said memory, and configured to issue a plurality of processing instructions stored in the memory, wherein the processor issues instructions to: ... populate the system customer resource database ..."; and claim 20 is a "customer needs management processor-implemented method comprising: ... populating, via a processor, the system customer resource database..." As such, Applicant submits independent claim(s) 1 and 20 (and as a consequence, claims depending therefrom) are transformative and/or specific structures directed to statutory subject matter for at least the reasons discussed above.

Should the Examiner disagree, Applicant respectfully requests that the Examiner provide specific explanation describing how independent claims 1 and 20 are allegedly directed to non-statutory subject matter. Accordingly, Applicant submits claims 1-9 and 20 are directed to statutory subject matter, and respectfully requests reconsideration and withdrawal of the rejection(s), and allowance of claim(s).

Claim Rejections - 35 U.S.C. § 103

The Office Action rejected claims 1-9 and 20 under 35 U.S.C. § 103(a) as unpatentable over Lortscher, US Publication No. 2004/0153389 (hereinafter "Lortscher"), in view of Van Der Riet, US Publication No. 2003/0126146 (hereinafter "Van Der Riet"). Although Applicant respectfully traverses the rejections, Applicant has amended claims 1-9 and 20 to provide clarification, correct typographical inaccuracies and/or informalities, and/or to better track practical/commercial implementations/practices.

Applicant notes the Office Action alleges Lortscher discusses previously presented “analyzing customer impression data and determining predictive customer data”:

Lortscher [Abstract] describes generating recommendation data, i.e. predictive customer data, [0003] describes analyzing investor, performance and action data to generate recommendations, [0014, 0033-0034, 0044, 0046] describes generating recommendation data. (Office Action, pp. 7-8)

Applicant respectfully traverses the Examiner’s rejections and submits the rejections have mischaracterized the claim elements and over-generalized Lortscher. Applicant has amended independent claim 1 to provide further clarifications.

Applicant submits Lortscher discusses generating investment recommendations instead of any “sales management system,” as claimed. For example, Applicant notes Lortscher discusses “analyzing the historical performance of investors and investor actions, and for using the analysis to generate [investment] recommendations for future action” (Lortscher, ¶ 3). Applicant further notes Lortscher’s investment recommendation generation is based on financial market data, e.g., “collecting and evaluating data ... such as online brokerages, markets, ECN’s” (Lortscher, ¶ 44). As such, Applicant submits Lortscher’s investment recommendation requires a completely different set of data inputs, yields different analysis and thus generates different results (e.g., investment recommendation) from the claimed “analyz[ing] customer impression data and determin[ing] predictive customer data,” much less the claimed:

calculate predictive customer purchasing data by applying the quantified numeric indicators to the created sales event plan evaluation structure

as recited in amended independent claim 1.

Applicant further submits Van Der Riet fails to remedy the deficiency in Lortscher, as Van Der Riet discusses “a tool for consumer-specific advertising,” which has no concept of “calculate[ing] predictive customer purchasing behavior data” as recited in amended independent claim 1. For at least these reasons, Applicant submits the cited references, Lortscher, in view of Van Der Riet, taken alone or in combination, do not discuss or render obvious the amended independent claim 1.

Although of different scope than independent claim 1, independent claim 20 is also patentable over the applied reference(s), taken alone or in combination, for at least similar reasons as discussed above with regard to independent claim 1. Further, dependent claims 2-9 are all patentable over the applied reference(s), taken alone or in combination, for at least similar reasons as discussed above with regard to the independent claims.

Accordingly, Applicant respectfully requests reconsideration, withdrawal of the rejection(s), and allowance of claim(s).

Authorization

Applicant hereby authorizes and requests that the Commissioner charge any additional fees that may be required for consideration of this and/or any accompanying and/or necessary papers to Deposit Account No. 03-1240, Order No. 18104-002US1. In the event that an extension of time is required (or which may be required in addition to that requested in a petition for an extension of time), Applicant requests that the Commissioner grant a petition for an extension of time required to make this response timely, and, Applicant hereby authorizes and requests that the Commissioner charge any fee or credit any overpayment for such an extension of time to Deposit Account No. 03-1240, Order No. 18104-002US1.

In the event that a telephone conference would facilitate examination of the application in any way, Applicant invites the Examiner to contact the undersigned at the number provided.

Respectfully submitted,
Attorney(s) for Applicant,
CHADBOURNE & PARKE LLP

Dated: February 23, 2012

By: /Walter G. Hanchuk/
Walter G. Hanchuk
Registration No.: 35,179

Correspondence Address:

CHADBOURNE & PARKE LLP
30 Rockefeller Plaza
New York, NY 10112

212-408-5100 (Telephone)
212-541-5369 (Facsimile)
patents@chadbourne.com (E-mail)